

04772 U.S. PTO

19270 U.S. PTO

10768784

013004

**PLANT****PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

1464-002

First Inventor

Dale E. HERMAN

Title

Birch Tree Named 'VerDale'

Express Mail Label No.

EV207753133US

ASSIGNEE: NDSU Research Foundation  
Fargo, North DakotaADDRESS TO: Assistant Commissioner of Patents  
Box Patent Application  
Washington, D.C. 20231**APPLICATION ELEMENTS****ACCOMPANYING APPLICATION PARTS**

1. ☒ Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
3. ☒ Specification Total pages [ 6 ]  
(preferred arrangement set forth below)
  - Descriptive title of the invention (with Plants name)
  - Cross references to Related Applications
  - Statement Regarding Fed sponsored R&D
  - Latin name of genus and species
  - Variety denomination
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings
  - Detailed Botanical Description
  - Claim (only one (1) permitted MPEP 1605)
  - Abstract of the Disclosure
4. ☒ Color Drawing(s) (Total Sheets) [ 6 ]  
(2 copies required - 37 CFR 1.165(b))
5. ☒ Oath or Declaration (Total Pages) [ ]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application  
(37 CFR 1.63(d))  
(for continuation/divisional with Box 16 completed)
- ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting  
inventor(s) named in the prior application,  
see 37 CFR 1.63(d)(2) and 1.33(b)
6. ☒ Application Data Sheet.

7. ☒ Assignment Papers (cover sheet & document(s))
8. ☐ 37 CFR 3.73(b) Statement  
(when there is an assignee)
- ☐ Power of Attorney
9. ☐ English Translation Document (if applicable)
10. ☐ Information Disclosure Statement /PTO 1449
- ☐ Copies of IDS Citations
11. ☐ Preliminary Amendment
12. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
13. ☐ Certified Copy of Priority Document(s).  
(if foreign priority is claimed)
14. ☐ Request and Certification under  
35 USC 122(b)(2)(B)(i)
15. ☒ Other: Certificate of Express Mailing by Label  
EV207753133US


Note: Please state the Latin name and variety  
denomination of the plant claimed in a separate section of  
the specification.

16. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional of prior application No.:

Prior application information: Examiner \_\_\_\_\_ Group Art Unit \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied  
under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by  
reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**17. CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label 32905

Address	Jondle & Associates P.C. Suite 200, 9085 East Mineral Circle				
City	Centennial	State	CO	Zip Code	80112
Country	U.S.A.	Telephone	303-799-6444	Fax	303-799-6898
Name	Robert J. Jondle, Reg. No. 33,915				
Signature				Date	January 30, 2004

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**FEE TRANSMITTAL  
for FY 2003  
(Small Entity)**

*Complete if Known*

Application Number	10/
Filing Date	
First Named Inventor	Dale E. HERMAN
Examiner Name	
Group Art Unit	

Total Amount of Payment	(\$305.00)	Attorney Docket Number	1464-002
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**METHOD OF PAYMENT** (check one)

**FEE CALCULATION** (continued)

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 50-2368 in the name of Jondle & Associates P.C.

☐ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status.

2. ☒ Payment Enclosed:

☒ Check

☐ Credit Card

**3. ADDITIONAL FEES**

Fee Code	Fee Paid	Fee Description	Fee Paid
2051	65	Surcharge - late filing fee or oath	[ ]
2052	25	Surcharge - late provisional filing fee or cover sheet	[ ]
1053	130	Non-English specification	[ ]
1812	2,520	For filing a request for reexamination	[ ]
1804	920	Requesting publication of SIR prior to Examiner action	[ ]
1805	1,840*	Requesting publication of SIR after Examiner action	[ ]
2251	55	Extension for reply within first month	[ ]
2252	210	Extension for reply within second month	[ ]
2253	475	Extension for reply within third month	[ ]
2254	740	Extension for reply within fourth month	[ ]
2255	1,005	Extension for reply within fifth month	[ ]
2401	165	Notice of Appeal	[ ]
2402	165	Filing a brief in support of an appeal	[ ]
2403	145	Request for Oral Hearing	[ ]
1451	1,510	Petition to institute a public use proceeding	[ ]
2452	55	Petition to revive -unavoidable	[ ]
2453	665	Petition to revive - unintentional	[ ]
2501	665	Utility issue fee (or reissue)	[ ]
2502	240	Design issue fee	[ ]
2503	320	Plant issue fee	[ ]
1460	130	Petitions to the Commissioner	[ ]
1807	50	Processing fee under 37 CFR 1.17(q)	[ ]
1806	180	Submission of Information Disclosure Statement	[ ]
8021	40	Recording each patent assignment per property (times number of properties)	[40.00]
2809	385	Filing a submission after final rejection (37 CFR .129(a))	[ ]
2810	385	For each additional invention to be examined (37 CFR 1.129(b))	[ ]
2801	385	Request for Continued Examination (RCE)	[ ]
1802	900	Request for expedited examination of a design application	[ ]
1504	300	Publication fee for early, voluntary, or normal publication	[ ]
1505	300	Publication fee for republication	[ ]
1455	200	Filing an application for patent term adjustment	[ ]
1456	400	Request for reinstatement of term reduced	[ ]
		Other fee (specify) Statutory Disclaimer	[ ]

**FEE CALCULATION**

**1. FILING FEE**

Fee Code	Fee \$	Fee Description	Fee Paid
2001	385	Utility filing fee	[ ]
2002	170	Design Filing Fee	[ ]
2003	265	Plant Filing Fee	[265.00]
2004	385	Reissue Filing Fee	[ ]
2005	80	Provisional Filing Fee	[ ]

**SUBTOTAL \$265.00**

**2. CLAIMS**

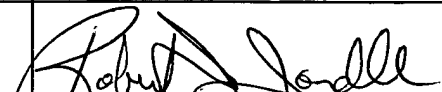
Total Claims	Independent Claims	Multiple Dependent Claims	Extra Claims	Fee \$	Fee Paid
[ ]	[ ]	[ ]	- 20** = [ ] x	\$ 9 = [ ]	[ ]
[ ]	[ ]	[ ]	- 3** = [ ] x	43 = [ ]	[ ]
[ ]	[ ]	[ ]	+ 145 = [ ]		[ ]

\*\*or number previously paid, if greater;

**SUBTOTAL \$**

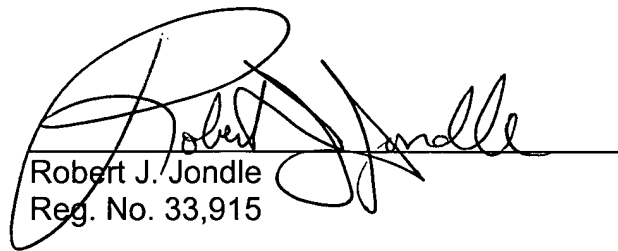
\* Reduced by Basic Filing Fee Paid

**SUBTOTAL \$40**

SUBMITTED BY		Complete (if applicable)	
NAME AND REG. NUMBER	Robert J. Jondle, Reg. No. 33,915		
SIGNATURE	DATE	DEPOSIT ACCOUNT USER ID	
	January 30, 2004		

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail EV207753133US in an envelope addressed to: Mail Stop Patent Application, Commissioner of Patents, P. O. Box 1450, Alexandria VA 22313-1450 on January 30, 2004.



Robert J. Jondle  
Reg. No. 33,915

January 30, 2004

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